IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9411 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RUCHIT SUNIL SUTARIA

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR DHAVAL G NANAVTI for Petitioner

MS DAVAWALA for Respondent Nos.1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 06/09/2000

ORAL JUDGEMENT

Rule. Ms.Davawala, learned Additional Central Government Standing Counsel waives service of rule for respondent.

2. In this petition, under Article-226 of the Constitution, the petitioner has prayed for a writ directing the Regional Passport Officer, Ahmedabad to correct the Birthdate of the petitioner in the passport from 26/06/1980 to 23/06/1980. Earlier while applying for passport, the petitioner had relied on his birth date as recorded in his School Leaving Certificate which was shown as 23/06/1980 (at Annexure-B to the petition), for going to the U.S.A. The learned counsel for the petitioner submits that when the petitioner applied for a Visa call for going to the U.S.A., the petitioner was required to produce the Birth Certificate.The petitioner obtained the birth certificate from the Vadodara Muicipal Corporation which shows that the petitioner was born on 23-06-1980. In view of this discrepancy, the petitioner applied to the respondent-Authority for correction in the birth date stated in the passport. Since the application is not considered, the petitioner has filed this petition.

3. Having heard the learned counsel for the petitioner and Ms.Davawala, learned Additional Central Government Standing Counsel for the respondent, this petition is disposed of with the direction to the respondent Authority to consider the petitioner's application for correction of birth date in the passport on the basis of such material which may be produced before the respondent-Authority more particularly the aforesaid birth date Certificate issued by the Vadodara Municipal Corporation (at Annexure-C to the petition) and to decide the same as expeditiously as possible and in any case within 15 days from the date of receipt of the writ of this Court or certified copy of this order, whichever is earlier.

4. In case the petitioner is required to apply for a fresh passpost, the petitioner shall comply with the requisite formalities for the same.

5. Rule is made absolute to the aforesaid extent.

Since the respondent is not responsible for the mistake in question, the petitioner shall pay costs of this petition which are quantified at Rs.1,000/- to the respondent within two weeks from today. Direct service is permitted.

(M. S. Shah,J.)

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